

Message Text

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TO AMEMBASSY BUCHAREST IMMEDIATE
INFO AMEMBASSY BELGRADE
AMEMBASSY BUDAPEST

C O N F I D E N T I A L STATE 228664

E.O. 11652: GDS

TAGS: CPAS, CASC, RO (MACINIC, DOREL)

SUBJECT: PROTECTION OF DUAL NATIONAL: MACINIC, DOREL IOAN

REF: BUCHAREST 5130

1. EMBASSY SHOULD SEEK MFA ASSISTANCE IN OBTAINING ACCESS TO MACINIC ON BASIS OF HIS U.S. CITIZENSHIP. GIVEN FACT THAT MACINIC HAS NOT YET OBTAINED U.S. PASSPORT, HOWEVER, WE CANNOT MAKE STRONG CASE FOR ACCESS BASED ON CONSULAR CONVENTION OF 1972. NEGOTIATING HISTORY OF CONSULAR CONVENTION INDICATES ARTICLE 22 PROTECTION AVAILABLE IF DUAL NATIONAL PRESENT IN RECEIVING STATE ON THE BASIS OF A VALID SENDING STATE PASSPORT WITH A VALID RECEIVING STATE VISA (OR OTHER ENTRY DOCUMENT) FOR TEMPORARY VISIT. MACINIC CASE DOES NOT APPEAR TO FALL INTO THIS CATEGORY.

2. IN APPROACHING GOR, EMBASSY SHOULD THEREFORE DOCUMENT HUMANITARIAN ASPECTS OF MACINIC CASE, POINTING OUT

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REPEATED FRUSTRATION OF MACINIC'S EFFORTS TO APPLY FOR

DEPARTURE. EMBASSY SHOULD NOTE THAT MACINIC APPEARS ON JULY REPRESENTATION LIST AND THAT EMBASSY HAS INTERVENED ON HIS BEHALF OVER THE YEARS. CLEARLY, HIS REPEATED FAILURE TO OBTAIN GOR RECOGNITION OF HIS U.S. CITIZENSHIP LED TO MACINIC'S PRESENT PLIGHT. EMBASSY SHOULD INFORM

MFA OF OUR CONTINUING INTEREST IN MACINIC CASE, EXPRESS HOPE THAT HUMANITARIAN ASPECTS WILL BE WEIGHED IN DEALING WITH IT, AND SEEK MFA ASSISTANCE IN OBTAINING ACCESS TO MACINIC ON BASIS HE IS U.S. CITIZEN.

3. IN ADDITION, EMBASSY SHOULD TAKE PRESENT OPPORTUNITY TO MAKE APPROACH TO GOR ON GENERAL SUBJECT OF NOTIFICATION AND ACCESS IN DUAL NATIONAL CASES. DIFFICULTIES EXPERIENCED IN THIS CASE POINT UP NEED TO HAVE WRITTEN AGREEMENT ON THIS SUBJECT, RATHER THAN CONTINUED RELIANCE ON UNWRITTEN "UNDERSTANDING" REACHED DURING CONSULAR CONVENTION NEGOTIATIONS. DEPARTMENT IS POUCHINGUS-POLISH CONVENTION AND OTHER EXAMPLES OF HOW PROBLEM HAS BEEN HANDLED WITH OTHER COUNTRIES. WE WOULD APPRECIATE EMBASSY COMMENT ON WHICH APPROACH MOST LIKELY TO SUCCEED WITH GOR. ROBINSON

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